

**BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO**

MICHAEL SMITH,	)	
	)	
Claimant,	)	<b>IC 03-519439</b>
v.	)	
	)	
WESTERN AIRCRAFT,	)	<b>ORDER</b>
	)	
Employer,	)	
and	)	FILED JUNE 10 2005
	)	
LIBERTY MUTUAL INSURANCE COMPANY,	)	
	)	
Surety,	)	
Defendants.	)	
	)	

---

Pursuant to Idaho Code § 72-717, Referee Douglas A. Donohue submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant suffered a work-related accident on September 13, 2003, while washing an aircraft. Claimant's condition, a herniated disk, was caused by this accident. The vacuuming incident did not constitute a new accident or separate injury.
2. Claimant had a pre-existing back condition. The question of apportionment is unripe.
3. Claimant is entitled to all necessary and reasonable past, present and future medical care. This medical care includes - but is not limited to - possible future back surgery.

Employer is to be credited with any amounts paid.

4. During his recovery from the industrial accident, Claimant is entitled to temporary partial disability benefits for any reduction of wages sustained as a result of the wage difference between his job at the time of injury and his light-duty job. A determination of the date of medical stability is unripe.

5. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this 10<sup>TH</sup> day of JUNE, 2005.

INDUSTRIAL COMMISSION

/S/\_\_\_\_\_  
Thomas E. Limbaugh, Chairman

/S/\_\_\_\_\_  
James F. Kile, Commissioner

/S/\_\_\_\_\_  
R. D. Maynard, Commissioner

ATTEST:

/S/\_\_\_\_\_  
Assistant Commission Secretary

#### **CERTIFICATE OF SERVICE**

I hereby certify that on 10<sup>TH</sup> day of JUNE, 2005, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following:

Richard S. Owen  
P.O. Box 278  
Nampa, ID 83653

Monte R. Whittier  
P.O. Box 6358  
Boise, ID 83707

db

/S/\_\_\_\_\_